

**BATTLE CREEK CITY PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, January 27, 2010**

**1. Call to Order:**

Chairman Preston Hicks, called the meeting to order at 4:00 p.m.

**2. Attendance:**

**Members Present:**

Steve Barker	Preston Hicks	Ed Scheinfeldt
Susan Baldwin (Mayor)	William Morris	Chip Spranger
Jan Frantz	John Godfrey	John Stetler

**Staff Present:** Christine Hilton, AICP, Planning Supervisor  
Jill Steele, Assist. City Attorney  
Glenn Perian, Senior Planner  
Leona Parrish, Administrative Assistant

**3. Additions or Deletions to the Agenda:** Chairperson Commissioner Hicks stated the format for today's agenda will be different, in that each petition would hold a public hearing and then be discussed and acted upon and will not be addressed under New Business. (A hand-out was provided to everyone in attendance of the new process for today's meeting.)

**4. Approval of Minutes:** Meeting Minutes of November 18, 2009.

**A MOTION WAS MADE BY COMMISSIONER SCHEINFELDT, SUPPORTED BY COMMISSIONER SPRANGER TO APPROVE THE PLANNING COMMISSION MEETING MINUTES FOR NOVEMBER 18, 2009 AS PRESENTED. VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.**

**5. Correspondence:** Handed-out information to commission members and petitioners:

- E-mail from Metro PCS regarding NPC #2 contact
- Information from Mrs. Sherrill Cotton; New proposed change in site plan for parking lot, copies of license and funeral service credentials
- (2 Items) Letter and e-mail in opposition to #S-01-10 (Funeral Home)
- A timeline for future Planning Department activities, 2010.

**6. Public Hearing:**

- A. Adoption of Capital Improvement Program FY 2011-2016; Mr. Jim Ritsema, Assistant City Manager and Finance Director:** The Capital Improvement Program is intended to satisfy the requirements of P.A. 33 of 2008, as amended, and illustrates the requirements of the community for all types of public improvements, in a general order of priority, for a six-year period.

Mr. Jim Ritsema, Assistant City Manager and Finance Director is present to speak, stated this is a process to be followed for improvement for the city and is a draft proposal of projects that will be

adopted by the City Commission. Mr. Ritsema noted a joint workshop was held in December between the Planning Commissioners and City Commissioners and as a result he is here today presenting the program. Said he provided information that was requested as a result of the workshop, believes everyone had received that information. Said in general every year they try to improve on this process, what is shared and discussed becomes information for the next year. Noted this is currently tough budgeting times and need to try and remember that as a city there are a lot of expensive assets both in the ground, buildings and equipment and need to keep an eye on those and not just the operations. Noted this program has both fiduciary responsibility to maintain what we have and make sure it is in good order, that it does become a balancing act between the budget and programs that are needed.

No one else spoke either for or against this petition and the public hearing was closed.

**A MOTION WAS MADE BY COMMISSIONER GODFREY, SUPPORTED BY COMMISSIONER FRANTZ TO APPROVE THE ADOPTION OF THE CAPITAL IMPROVEMENT PROGRAM FY 2011-2016 AS SUBMITTED.**

**Discussion:**

Commissioner Scheinfeldt stated he does not recall receiving additional information after the joint workshop was held, asked when was it sent out, who was it sent to and if the document he has today was the same as what was handed out at that meeting.

Mr. Ritsema stated the document was emailed out, and the City Commissioners had received the information. Said he provided the Planning Department that information to forward to the Planning Commissioners, he apologized if it had not been received. Regarding the document provided at the workshop, it is as presented with the exception of a couple of replacement pages for a few errors regarding descriptions; stated that nothing else has been changed in the document that was presented at the workshop.

Commissioner Frantz asked Mr. Ritsema if it has always been a six-year plan. Mr. Ritsema stated yes.

Commissioner Scheinfeldt noted that when they vote; he was not thrilled with this process and would not be voting in favor.

**A ROLL CALL VOTE WAS TAKEN: (8) IN FAVOR; BARKER, BALDWIN, FRANTZ, GODFREY, HICKS, MORRIS, SPRANGER, AND STETLER; ONE OPPOSED, SCHEINFELDT; MOTION APPROVED.**

Mr. Ritsema stated a resolution will be submitted to the City Commission for approval at the February 16, 2010 City Commission meeting.

- B. Special Use Permit (#S-01-10): Petition from Brian F. & Sherrill F. Cotton, 675 Riverside Dr., Battle Creek, MI, 49015. Requesting a Special Use Permit of the following described property for use as a Funeral Home as permitted under the Planning and Zoning Code, Chapter 1290, Section 1290.01(b)(24), for property located at 675 Riverside Drive, Battle Creek, MI 49015, Parcel #0074-00-110-0, legally described as: SEC 24 T2S R8W BEG AT PT ON N & S 1/4 LI DIST S 00 DEG 34 MIN 30 SEC E LYING S 627.06 FT FROM N 1/4 POST - S 89 DEG**

45 MIN 31 SEC 438.37 FT - S 00 DEG 34 MIN 30 SEC E 267 FT - N 89 DEG 45 MIN 31 SEC W 438.37 FT - N 00 DEG 34 MIN 30 SEC W 267 FT ALG N & S 1/4 LI TO POB, CONT 2.69 ACRES, SUBJ TO HWY EASE OVER W 50 FT .

Ms. Christine Hilton, Planning Supervisor, read the staff report regarding the Funeral Home request at 675 Riverside Drive. Said the petitioner had met with the Neighborhood Planning Council # 11 at their September and October meetings and the NPC submitted the minutes of those meetings stating they were not in favor. Ms. Hilton noted the applicant provided (see handout) a change in the parking to the east so it would not be visible from Riverside Drive, and that no site plan had been submitted for said parking lot and would need to also meet the other code regulations.

Commissioner Stetler asked what the process was for a site plan and who does it come before for approval. Ms. Hilton explained the process and that it was an administrative review process which is reviewed by the Inspections Department, Planning Department and Department of Public Works.

Mrs. Sherrill Cotton, 675 Riverside Dr., petitioner came forward to speak. Ms. Cotton stated her history regarding licensing, education and work experience. Said it has been her vision to build a small Funeral Service in Battle Creek that would hold approximately 65 guests and that traffic would be not much more than what they currently have.

Mrs. Cotton said they decided to revise their site plan, and to now attach the new construction for the Funeral Home to their residence and not have a separate building. In hopes of addressing some of the concerns from the Neighborhood Planning Council she noted the lighting would be in the rear of the home with the parking; the current zoning of residential would remain the same; they would be conscientious of the services being held and would not interfere with the school traffic. The medical waste disposal services have been revised as they have a protocol to follow with using certain containers for it to be safe. Personal clothing with blood etc. would be disposed of in bio-hazard containers; instruments are disposed of in separate container and they would be trained by Waste Management the proper technique in handling those types of items. Noted she is looking forward to working with the residents on Riverside and doing whatever she can to accommodate them in any way.

Commissioner Morris asked if the original application indicated the Funeral Home was to be built separate from the residence. Mrs. Cotton stated yes that was correct, they now want the home to remain as residential and not have a separate structure for the funeral home. The 22 parking spaces would be in the rear of the residence, so the lighting would not interfere with traffic on Riverside Drive.

Commissioner Morris asked if they would hold any services in their home. Mrs. Cotton stated they are in contract with Emmanuel Covenant Church International, located at 585 Hubbard Street; also said in speaking with the pastor of the neighboring church on Riverside Drive (Central Christian Church) who said they are excited and offered the use of one of his chapels to hold the services.

Commissioner Morris stated there are currently some funeral homes in Kalamazoo that also do the same regarding using churches for the services. Commissioner Morris asked if the services would disrupt the elementary school. Mrs. Cotton stated most of the visitation and wakes would be in the evening as they will have a small chapel. But the services would be held at a church of their choice.

Commissioner Morris asked if they were to sell the property at 675 Riverside Drive; would it be sold as a residential property and not as a business. Mrs. Cotton stated, correct it would definitely be sold as a residence.

Commissioner Godfrey asked regarding earlier comments; if it will now be attached to the home and if so, is it a completely different plan than what was presented to the Neighborhood Planning Council and what the Planning Commission had reviewed for this meeting. He is not comfortable in proceeding and moves to postpone until a revised plan has been submitted.

**A MOTION WAS MADE BY COMMISSIONER GODFREY, SUPPORTED BY COMMISSIONER FRANTZ TO POSTPONE THE PUBLIC HEARING FOR THE SPECIAL USE PERMIT TO ALLOW A FUNERAL HOME FOR PROPERTY LOCATED AT 675 RIVERSIDE DRIVE UNTIL A REVISED PLAN HAS BEEN SUBMITTED.**

It was noted by Ms. Hilton and Mayor Baldwin that a motion can not be made at this time; because it was made during the Public Hearing and would need to complete the Public Hearing portion.

Commissioner Frantz asked Ms. Cotton, that it was noted funeral services could be held at a church of the families choice; what if they do not have a choice? Ms. Cotton stated they could use Emmanuel Covenant Church International, located at 585 Hubbard Street, of which her brother is the Pastor of that church.

Commissioner Barker asked if it would be a zoning issue to have the business ran from the residential home. Mrs. Cotton stated her Special Use Request is to run the business from her home.

Commissioner Barker asked Mrs. Cotton where they would store the waste. Mrs. Cotton stated it would be stored in a small room inside the building only designated for waste.

Commissioner Barker asked if a licensed funeral management person had to be available on full-time bases at all times and what would be their duties on site. Mrs. Cotton stated yes, it is a license requirement that someone be available at all times and noted some of their job duties.

Commissioner Barker asked if they would have any staff and if so, how many. Mrs. Cotton stated; they would have some volunteers for driving, and directing of the services, etc.

Commissioner Barker asked what volume of business they were expecting. Mrs. Cotton stated it would probably be slow for the first 90-days to 3 months with maybe one a month and then hopefully pick-up rapidly.

Mrs. Frantz asked if the residence would be strictly residential and that everything would be done in the 3,200 sq. ft. new structure. Mrs. Cotton stated, yes.

Commissioner Stetler asked if they are discarding the plans that were first submitted and now would be building onto their residential structure. Mrs. Cotton stated, yes they changed their plans because of the feedback received from the Neighborhood Planning Council's concerns. They now want to build approximately a 2,500 sq. ft. addition onto their existing residence to hold 65 guests and no more.

Commissioner Godfrey called a point-of-order; as they are continuing to discuss a plan that they do not have before them and different than what had been submitted. The point-of-order precedes a public hearing to make sure they get the proper amount of information back to them and then reconvene and to discuss the plan that is now being conceptionally verbalized, but have not been seen. He is concerned regarding the parking in the rear.

Commissioner Morris called a point-of-order; and asked Ms. Jill Steele, City Attorney how to proceed. Mrs. Steele suggested the first motion would need to be removed and then make a new motion to postpone.

**MOTION REMOVED BY COMMISSIONER GODFREY, SECONDED BY COMMISSIONER FRANTZ.**

**A MOTION WAS MADE BY COMMISSIONER GODFREY, SUPPORTED BY COMMISSIONER FRANTZ TO POSTPONE THE SPECIAL USE PERMIT TO ALLOW A FUNERAL HOME FOR PROPERTY LOCATED AT 675 RIVERSIDE DRIVE UNTIL A REVISED PLAN HAS BEEN SUBMITTED BY THE PETITIONER, AND THAT THE FUTURE MEETING BE RE-NOTICED TO THE PUBLIC.**

**Discussion:**

Commissioner Morris asked Ms. Steele if the public hearing would need to be re-noticed, as the public had no opportunity to speak at today's meeting due to the change in the petition request. It was determined by the commission that since the Special Use Permit application is being revised by the petitioner; that when the revised application is presented to the Planning Commission, it would again be re-noticed in the shopper and everyone within the required 300 ft. would be mailed a notice regarding the date of the public hearing for the revised application and allow the public to speak at that hearing.

No one else spoke either for or against this petition and the public hearing was closed.

**ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED TO POSTPONE.**

- C. Special Use Permit (#S-02-10) Petition from Mr. Frank Mancina, MetroPCS, Inc. c/o Black & Veatch Corp., 30150 Telegraph Rd., Ste. 420, Bingham Farms, MI 48025, acting with the consent of Battle Creek Pubic Schools for a Special Use Permit to construct a Wireless Communications Tower (120 ft. tall unipole with electronic equipment cabinets) as permitted under the Planning and Zoning Code, Chapter 1297, Sec. 1297.09, for property located at 308 W. Roosevelt Ave., Parcel #0135-00-095-0, legally described as:**  
SEC 35 T1S R8W THAT PART OF THE SE 1/4 OF LYING NLY OF N LI OF ROOSEVELT AVE & ITS WLY EXT SUBJ TO HWY EASE FOR LIMIT ST, HUBBARD ST & GOODALE AVE .

Ms. Christine Hilton, Planning Supervisor, read the staff report regarding the request to construct a Wireless Communications Tower for a 120 ft. tall unipole with electronic equipment cabinets to be located at 308 W. Roosevelt Ave. Parcel # 0135-00-095-0. Ms. Hilton noted there was a similar request one-year ago for the property directly south of this parcel that had been approved and has since expired as the petitioner did not continue with the project. Said the petitioner has not been able to contact the Neighborhood Planning Council, but plan to attend their February meeting, which would be

before this is presented to the City Commission meeting. Stated the Planning Department recommends approval of this request to the Planning Commission. Noted that ordinance does require a certain amount of landscaping if it was a visual distraction to any neighboring residential properties; the petitioner request this be waived which the Planning Commission have the ability to do, because of the distance from the residential properties and also the existence of current vegetation to the north.

Ms. Krysten Kitzman, Manager, Black & Veatch representing Metro PCS; stated that Mr. Keith Davidnow, Metro PCS; and Ms. Deborah Gregory, Director of Finance, Battle Creek Public Schools; were present to speak. Ms. Kitzman noted this was her first time coming to Battle Creek and that the directional signage was fantastic and very helpful. She stated in regards to the Wireless Communications Tower that it would be a 120 ft. stealth unipole structure with all enclosed antennas that would not be visible and it would allow two additional wireless providers to co-locate on this tower. Below the tower would be a structure with access off Goodale Avenue; the landscaping would be a limited space next to the building which has a large slope from a hill with large trees to the north that conceal the view from Goodale Avenue. Said they could do some landscaping, but would be difficult and this is why they proposed a white fence to conceal the building.

Ms. Kitzman stated Metro PCS feels this communications tower is needed and meets the uses surrounding and would also help Battle Creek Public Schools as the lease dollars would go to them and give back to the community. She stated that NPC #2 currently are without a Chairperson and Secretary and that they plan to attend their February 9<sup>th</sup> meeting to share information regarding their request.

Commissioner Frantz found that in reviewing their application the standards for consideration and telecommunication ordinances are all met as well as the basis for determination of a special use permit for approval; asked regarding the opaque fence at the base of the tower, she asked if a chain-link might be best as not to conceal any unwanted activity.

Ms. Kitzman stated the vinyl fence would be 6 ft. high and would have locks on all the gates to protect their property as well and had chose it for aesthetic reasons knowing the landscape requirements cannot be met, but they would be open to any suggestions.

Commissioner Godfrey asked regarding the illustration shown as the monopole being painted gray; asked if it could be painted brown to blend better with the trees and be less obtrusive. Ms. Kitzman stated that typically they use gray to match the sky and noted that in Michigan the sky is gray most of the time; that at 120 ft. high it would exceed the canopy and the brown would stand out.

Commissioner Barker echoed Commissioner Frantz comments regarding concealing any activity; and that it would also be reconciled when the site plan is review is approved by the city administration. He commended regarding the quality of the petition as the application was well done.

Mayor Baldwin asked Ms. Kitzman what the height was of the Monopole on south side of Columbia Avenue. Ms. Kitzman could not answer. Mr. Perian stated he believed it was 110 or 120 feet.

Commissioner Scheinfeldt stated he concurs with Commissioner Frantz in that it meets the basis for determination and with the four conditions of approval; does not see why it would not be approved.

Commissioner Scheinfeldt asked clarification regarding the address on the petition as 315 Goodale Avenue and the meeting agenda and notices having it as 308 W. Roosevelt. It was noted by the

secretary that the petition address on 315 Goodale Avenue is not a valid address in the City of Battle Creek property listing and that it was strictly a U.S. Postal address. Noted the parcel number provided (#0135-00-095-0) according to the city records is assigned to 308 W. Roosevelt Avenue address. It was noted that the 300 foot public notice was mailed to everyone surrounding parcel #0135-00-095-0 as submitted by the petitioner.

Ms. Deborah Gregory, Battle Creek Public Schools representative came forward to speak and stated with the cut of State funding to the schools; it would be additional income for the public schools and feel it is a good location and that they are in support of this proposal.

Commissioner Godfrey asked if the communications tower would interfere with any radio traffic between the school buses and garage. Ms. Kitzman stated there would be no interference at all.

No one else spoke either for or against this petition and the public hearing was closed.

**A MOTION WAS MADE BY COMMISSIONER BARKER, SUPPORTED BY COMMISSIONER SCHEINFELDT TO APPROVE THE SPECIAL USE PERMIT #S-02-10 FOR A WIRELESS COMMUNICATIONS TOWER TO INCLUDE THE FOUR (4) CONDITIONS OUTLINED IN THE STAFF REPORT FOR PROPERTY LOCATED AT 308 W. ROOSEVELT AVENUE (PARCEL # 0135-00-095-0), AS SUBMITTED.**

**Discussion:**

Ms. Kitzman asked regarding one of the conditions stating that they meet with the Neighborhood Planning Council; she is concerned as they are not holding meetings currently.

Mayor Baldwin stated they have just newly appointed six (6) new members to NPC#2 and they will be appointing officers at their February meeting. Mayor asked Ms. Bedsole if the information could be provided to the NPC by the city representative (Marcie Gillette) regarding the applicant attending their February Neighborhood Planning Council meeting.

Commissioner Barker asked if he should amend his motion to remove the condition #2 regarding the NPC. Commissioner Scheinfeldt spoke as the one supporting the motion; noted if they in good faith make an effort to comply with that condition, assuming they approve this motion today. When it goes to the City Commission, they can then state yes or no to if they had attended the Neighborhood Planning Council meeting.

Commissioner Barker stated with that being said he would not change the original motion made.

**A ROLL CALL VOTE WAS TAKEN: ALL IN FAVOR, NONE OPPOSED.  
MOTION APPROVED.**

7. **Old Business:** None

8. **New Business:**

Commissioner John Stetler noted that Ms. Christine Hilton handed-out at today's meeting a document regarding the review of the Accessory Building Ordinance as requested by the Zoning

Board of Appeals and suggest they have a discussion for approximately 20 minutes and then be put on next months meeting agenda for review and/or changes.

Commissioner Frantz asked if it can be added to their agenda or should it be under Old Business, and if it was appropriate to discuss at this time. Ms. Jill Steele noted it could be discussed at this time without any decisions being made.

**Discussion:**

Commissioner Frantz noted in reading the memo (handed out today) it became clear to her that some things need more information and/or points made. Asked Commissioner Stetler to provide examples from the Zoning Board of Appeals experience as to what does and does not work in the past, to see where the concerns arose.

Commissioner Stetler said for example; what is allowed is a pole building on Shortridge which is not in character of the neighborhood and feels it is detrimental to the other homes in the neighborhood. Also a pole building on the corner of Riverside Drive and Minges Rd. that can hold an RV, which does not enhance that neighborhood and in his opinion detracts from the neighborhood. Said they are build without any exceptions to the current ordinance and also allows multiple 1,000 sq. ft. accessory buildings to be built without requiring a variance. The ZBA have had numerous requests to exceed that 1,000 sq. ft.; some they have approved when they are on very large sites, generally 1% of the sites size. He questions if that makes sense and feel they need guidance from the City Commission to what they should and should not allow and not continue to make exceptions; said one they are being lenient and second they are making exceptions they should not have to make.

Commissioner Barker believes that when Commissioner Stetler presented the information to them in the past it included some questions, answers and discussion from the Zoning Board. If those documents could be retrieved, it would be a good basis to look at for the next meeting.

Mayor Baldwin asked Planning Staff to introduce the subject and provide information regarding what the ordinance states currently and/or provide background information to the Planning Commission.

Commissioner Godfrey asked if the Planning Staff could do a survey of neighboring cities ordinance regarding what they allow and provide that data for comparison.

Commissioner Scheinfeldt agrees it would be good to discuss and would hope that the packet not be just data, but also include a recommendation from city staff to help provide direction.

Commissioner Hicks asked regarding the status of the Transitional Business District Overlay. Commissioner Barker recalls the TBD Committee was appointed and to come back to them with a report, in terms of statutory construction of how to deal with that; was pushed aside as it was the only district in the city that was applicable. Then they began discussing Form Based Zoning.

Commissioner Scheinfeldt agrees with Commissioner Barker; said the one they were focusing on was Beckley Rd. Stated they would have the same problem on the west side of town and now with Family Fare etc., that issue was going to be bigger than Beckley Rd. Said it was during the time Mike Buckley was leaving and had been dropped.



Commissioner Hicks asked if the City staff would look into the details regarding the TBD and Form Based Codes.

Commissioner Scheinfeldt thanked Ms. Hilton, Planning Supervisor, for the timeline document handed out today.

**9. Comments by the Public: None**

**10. Comments by the Staff and Commission Members:**

Ms. Jill Steele commented she had just emailed Ms. Eileen Wicklund, City Attorney regarding the re-noticing the Public Hearing in the paper and everyone within 300 feet; in conclusion they feel it is just safest to re-notice and have it published again.

Commissioner Godfrey stated regarding the petition for a Funeral Home on Riverside Drive; that it is extremely important the petitioner provide an updated application of what they are asking to be approved and then allow the public to review their petition before the Planning Commission meeting.

Commissioner Spranger had a question regarding the Funeral Home; if they were to build a 3,200 sq. ft. separate building would they also need the Zoning Board of Appeals approval as it exceeds the 1,000 sq. ft. limitation in size. Mr. Glenn Perian, Senior Planner stated that Funeral Homes are permitted by right as a Special Use Permit and would not need ZBA approval.

Commissioner Barker asked regarding Commissioner Godfrey's motion to adjourn the public hearing; his concern was if they were following proper procedure; can their body adjourn the public hearing or if there is another step that should be done. He also asked if the petitioner should absorb the additional expenses for notices etc., because of an incorrect application and not being ready to move forward; in that case maybe they should absorb the cost of the re-notice.

Commissioner Hicks asked the Mayor for some guidance regarding absorbing additional costs. Mayor Baldwin stated our legal council would best to answer that question. Mayor noted the Planning Commission process is very confusing, that the City Commission does not work the same regarding the Public Hearing process. Stated they may have the city staff do an initial presentation and may ask a few clarification questions, but do not discuss as a commission; the public then comments and at that point the commission discusses. They need to make sure they are not usurping the public's chance to make their comments and then the commission also takes those public comments under consideration.

The process for Public Hearings was then discussed by Commissioners.

Ms. Jill Steele, Assistant City Attorney stated because there was no decision was made and if they had made a decision without allowing public to comment, there would have been a big problem. If a motion was made and seconded, you then have to vote. The body can decide if an application has been changed so much that they need to adjourn the meeting and then allow the public to

comment during the Public Hearing the next time the application is presented to the Planning Commission.

Ms. Jill Steele noted regarding the additional cost for noticing; it was not reflected in their bylaws and it might be something they might want to review when updated and have addressed.

Commissioner Spranger noted that Commissioner Hicks, Chairperson did a good job.

**11. Adjournment:**

The meeting adjourned at 5:35 P.M.

A handwritten signature in black ink, appearing to read "Christine M. Hilton". The signature is fluid and cursive, with a large initial "C" and a stylized "H".

Respectfully Submitted,  
Christine M. Hilton, Executive Secretary  
Planning Commission